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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,668	02/19/2004	Jos Manuel Accapadi	AUS920031017US1	5255
34533 7590 04/01/2009 INTERNATIONAL CORP (BLF) c/o BIGGERS & OHANIAN, LLP P.O. BOX 1469 AUSTIN, TX 78767-1469				
EXAMINER PHAN, TUANKHANH D				
ART UNIT 2163		PAPER NUMBER		
MAIL DATE 04/01/2009		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JOS MANUEL ACCAPADI,
MATHEW ACCAPADI, WILLIAM LEE BRITTON,
ANDREW DUNSHEA and DIRK MICHEL

Application No. 10/782,668
Technology Center 2100

Mailed: April 1, 2009

Before PAMELA S. BENNETT, *Review Team Paralegal*.
BENNETT, *Review Team Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on March 16, 2009. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter requiring attention prior to docketing.

EXAMINER'S ANSWER, HEADINGS

A review of the file indicates that the Examiner's Answer mailed December 11, 2008 does not comply with the guidelines provided in § 1207.02 of the *Manual of Patent Examining Procedure* (MPEP) (Eighth Edition, Rev. 6, September 2007). MPEP § 1207.02(A)(2) states:

(A) CONTENT REQUIREMENTS FOR EXAMINER'S ANSWER. The examiner's answer is required to include, under appropriate headings, in the order indicated, the following items:

. . . .

(2) *Related Appeals and Interferences*. A statement identifying by application, patent, appeal or interference number all other prior and pending appeals, interferences or judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by, or have a bearing on the Board's decision in the pending appeal. Copies of any decisions rendered by a court or the Board in any proceeding identified under this paragraph should be included in the *Related proceedings appendix* section.

While the "Related Appeals and Interferences" section appearing on page 2 of the Examiner's Answer states:

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal is contained in the brief[.]

no further information is provided. Clarification is required.

CONCLUSION

Accordingly, it is ORDERED that the application is returned to the Examiner:

- 1) to issue a PTOL-90 which clarifies the “*Related Appeals and Interferences*” section of the Examiner’s Answer mailed December 11, 2008; and
- 2) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

PSB

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